## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	
Plaintiff,	) CASE NO. 8:09CR368
vs.	) MEMORANDUM AND ORDER
ARIEL SANCHEZ-GARCIA,	MEMORANDUM AND ORDER
Defendant.	) )

This matter is before the Court on the Defendant's motion filed under Federal Rule of Civil Procedure 60(b)(6) (Filing No. 140).

The Defendant challenges his conviction based on alleged grounds on ineffective assistance of counsel. The Defendant may not his relitigate his § 2255 motion through Rule 60(b) in what is essentially a successive motion filed without the Eighth Circuit's approval. *United States v. Patton*, 309 F.3d 1093, 1094 (8<sup>th</sup> Cir. 2002).

## IT IS ORDERED:

- The motion filed under Federal Rule of Civil Procedure 60(b)(6) (Filing No.
  140) is denied; and
- The Clerk is directed to mail a copy of this memorandum and order to the Defendant at his last known address.

DATED this 20<sup>th</sup> day of December, 2011.

BY THE COURT:

s/Laurie Smith Camp Chief United States District Judge